

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:19-CV-00012

JANE DOE,

By and through her Guardian *ad litem*,
PAIGE L. PAHLKE;

And

KAREN VAUGHN, Individually,

Plaintiffs,

vs.

JAMES PAUL BLAIR, in his individual
capacity,

Defendant.

**MEMORANDUM OF LAW IN
SUPPORT OF MOTION TO SEAL
DECLARATION OF JANE DOE**

COMES NOW the Plaintiff Jane Doe, by and through the undersigned attorney, pursuant to LCvR 6.1(c), Fed. R. Civ. P. 5.2, and Fed. R. Civ. P. 49.1, and provides unto the Court her Memorandum of Law in Support of her Motion to Seal the Declaration of Jane Doe included as a part of the Plaintiffs' Motion for Default Judgment against Defendant James Paul Blair, and respectfully requests that the Court permanently seal the Declaration, on the following grounds:

It is undisputed that Jane Doe was the victim of numerous crimes perpetrated upon her person by Defendant James Paul Blair. At the time of the sexual assaults of her person, Jane Doe was thirteen (13)-years-old, while Defendant Blair was fifty-one (51) years-old. (ECF 1, p. 8, par. 65). Defendant Blair pled guilty, in Gaston County Superior

Court, to statutory rape, in violation of N.C. Gen. Stat. Sec. 14-27.25(a), on March 9, 2017. (ECF No. 1, p. 6, pars. 46-47).

Plaintiff Jane Doe is a crime victim as the term is defined under 18 U.S.C. Sec. 3771. Subsection (a)(8) of the statute provides that in the course of these proceedings, Ms. Doe is entitled to be treated with fairness and with respect for her dignity and her privacy. The Court has considered a similar Motion to Seal in *Brown v. United States*, 2018 WL 3428148, *4 (W.D.N.C. 2018) and has ordered documents that affect the dignity and privacy of minor victims of sexual abuse to be sealed.

CONCLUSION

Based on the foregoing, Plaintiff prays the Court grant her Motion to Seal Plaintiff Jane Doe's Declaration in Support of Motion for Default Judgment.

This the 12th day of May, 2020.

/s/ Paul A. Tharp
Paul A. Tharp
N.C. Bar No.: 34244
ARNOLD & SMITH, PLLC
The Historic John Price Carr House
200 North McDowell Street
Charlotte, North Carolina 28204
Telephone: 704.370.2828
Facsimile: 704.370.2202
Email: Paul.Tharp@arnoldsmithlaw.com
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2020, I electronically filed on behalf of Plaintiffs, the foregoing **Memorandum of Law in Support of Plaintiff Jane Doe's Motion to Seal Declaration in Support of Motion for Default Judgment** with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following registered CM/ECF users or by depositing said document(s) in an envelope addressed as indicated with proper postage attached thereto and depositing same in the United States Mail:

Scott D. MacLatchie
Hall Booth Smith, P.C.
13024 Ballantyne Corporate Place, Suite 625
Charlotte, NC 28277
Attorney for Defendants Bates and City of Lowell

James Paul Blair
Offender Number: 1538496
Pamlico Correctional Institution
601 3rd Street
Bayboro, NC 28515

/s/ Paul A. Tharp
N.C. State Bar No.: 34244
Attorney for Plaintiffs
ARNOLD & SMITH, PLLC
The Historic John Price Carr House
200 North McDowell Street
Charlotte, NC 28204
Telephone: (704) 370-2828
Facsimile: (704) 270-2202
E-mail: Paul.Tharp@arnoldsmithlaw.com